#### DECLARATION FOR PATENT APPLICATION

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint

Docket # 8333

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled CLEAN PRODUCTION OF COKE. is attached hereto (check one) was filed on \_\_\_\_\_ \_\_\_\_\_ as Application Serial No.\_\_\_\_ and was amended on (if applicable). I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application, including the claims, as amended by any amendment referred to above. I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed. Priority Claimed Prior Foreign Application(s) Yes No (Day/Mo./Yr. Filed) (Country) (Number) Yes No (Day/Mo./Yr. Filed) (Country) (Number) No Yes (Day/Mo./Yr. Filed) (Country) (Number)

I hereby claim the benefit under Title 35, United States Code § 120 of any United States application(s) listed below and, insofar as the subject matter of each claim of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(s) which occurred between the filing date of this prior application and the national or PCT international filing date of this application.

(Application Serial No.)	(Filing Date)	(Patented, Pending, Abandoned)	
(Application Serial No.)	(Filing Date)	(Patented, Pending, Abandoned)	_

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all

business in the Patent and Trademark Office connected therewith.

Mr. Lynn G. Foster, Registration No. 21,189 and Mr. L. Grant Foster, Registration No. 33,236.

Address all phone calls to Lynn G. Foster or L. Grant Foster (801) 364-5633.

Address all correspondence to:

 $D: WPDOCS \\ Combustion Resources \\ 8333 \\ 20010817\_Declaration. frm$ 

Lynn G. Foster L. Grant Foster FOSTER & FOSTER L.C. 602 East 300 South Salt Lake City, Utah 84102

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor	Craig N. Eatough			
Inventor's signature	Cin 1 Cating		Date _	9-10-01
Residence:	Provo, Utah	Citizenship:	USA	
Post Office Address:	1711 North 1350 West Provo, UT 84604			
Full name of inventor	Jon S. Heaton	•		
Inventor's signature	In D. Allalon		Date_	9-10-01
Residence:	Provo, Utah	Citizenship:	USA	
Post Office Address:	1608 North 1450 West Provo, UT 84604			
Full name of inventor	Steven R. Eatough			
Inventor's signature	Steven R. Extough		Date	9/13/01
Residence:	Provo, Utah	Citizenship:	USA	
Post Office Address:	2398 North 850 West Provo, UT 84604			

# VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) & 1.27(c))--SMALL BUSINESS CONCERN

Docket Number (Optional) 8333

Applicant or Patentee: Serial or Patent No.:	CRAIG N. EATOUGH ET. AL.			
Filed or Issued: Title:	Clean Production of Coke			
I hereby declare that I am				
[ ] the owner of the [ X ] an official of the	ne small business concern identified below: he small business concern empowered to act on behalf of the concern identified below:			
NAME OF SMALL BUSI ADDRESS OF SMALL B	NESS CONCERN: Combustion Resources, L.L.C.  1453 West 820 North Provo, UT 84601			
reproduced in 37 CFR 1.9(d employees of the concern, is employees of the business concernmentary basis during each	a above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and ), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of oncern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, the power to control the other, or a third party or parties controls or has the power to control both.			
I hereby declare that rigit regard to the invention descri	nts under contract or law have been conveyed to and remain with the small business concern identified above with ibed in:			
[ X ] the specification the application the patent identified	n filed herewith with title as listed above. identified above. ified above.			
If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).				
Each person, concern or	organization having any rights in the invention is listed below:			
[ X ] no such person, [ ] each such perso	concern, or organization exists.  n, concern or organization is listed below.			
Separate verified statem status as small entities. (37)	ents are required from each named person, concern or organization having rights to the invention averring to their CFR 1.27)			
I acknowledge the duty to status prior to paying, or at to entity is no longer appropria	o file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity he time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small te. (37 CFR 1.28(b))			
believed to be true; and furn	statements made herein of my own knowledge are true and that all statements made on information and belief are ther that these statements were made with the knowledge that willful false statements and the like so made are onment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may application, any patent issuing thereon, or any patent to which this verified statement is directed.			
NAME OF PERSON SIGNI TITLE OF PERSON IF OTI ADDRESS OF PERSON SI	HER THAN OWNER: Manager GNING: 1711 North 1350 West Provo, UT 84604			
SIGNATURE (King	11. 8 - 10-01 DATE 9-10-01			

## VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) & 1.27(b))--INDEPENDENT INVENTOR

Docket Number (Optional) 8333

(37 CFR 1.9(	(f) & 1.27(b))INDEPENDENT INVENTOR	-
Applicant or Patentee:	CRAIG N. EATOUGH ET. AL.	
Serial or Patent No.:		
Filed or Issued:		
Title:	CLEAN PRODUCTION OF COKE	
As below named inventor of paying reduced fees to	or, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) f to the Patent and Trademark Office described in:	or purposes
[X] the specificat	ation filed herewith with title as listed above.	
[ ] the application	ion identified above.	
[ ] the patent ide	dentified above.	
or license, any rights in t	inted, conveyed or licenses and am under no obligation under contract or law to assign, greather invention to any person who would not qualify as an independent inventor under 37 the invention, or to any concern which would not qualify as a small business concern unganization under 37 CFR 1.9(e).	CFR 1.9(c)
Each person, concern or under contract or law to	or organization to which I have assigned, granted, conveyed, or licensed or am under are assign, grant, convey, or license any rights in the invention is listed below:	ı obligation
[ ] No such pers	rson, concern, or organization exists.	
[X] Each such pe	person, concern or organization is listed below.	
Combustion 1453 West 82 Provo, UT 84		
Separate verified statem averring to their status a	ments are required from each named person, concern or organization having rights to the as small entities. (37 CFR 1.27)	ne invention
to small entity status price	to file, in this application or patent, notification of any change in status resulting in loss of ior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee a small entity is no longer appropriate. (37 CFR 1.28(b))	entitlement due after the
and belief are believed to and the like so made are Code, and that such willf	I statements made herein of my own knowledge are true and that all statements made on to be true; and further that these statements were made with the knowledge that willful fals re punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the Ulful false statements may jeopardize the validity of the application, any patent issuing the rified statement is directed.	e statements Inited States
Craig N. Eatough NAME OF INVEN	NTOR NAME OF INVENTOR NAME OF INVENTOR	-
Signature of inves	entor Signature of inventor Signature of inventor	-
9-10-01	7.70.01 9/10/01 Date Date	-
Date	Date	

DECEMBER 10, 2001

MR. LYNN G. FOSTER

SALT LAKE, UT 84102

FOSTER & FOSTER

602 E. 300 S.

**PTAS** 

Under Secretary of Commerce For Intellectual Property and Director of the United States Patent and Trademark Office Washington, DC 20231 www.uspto.gov



\*101868691A\*

UNITED STATES PATENT AND TRADEMARK OFFICE NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 10/01/2001 REEL/FRAME: 012224/0115

NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

EATOUGH, CRAIG N. DOC DATE: 09/13/2001

ASSIGNOR:

HEATON, JON S. DOC DATE: 09/13/2001

ASSIGNOR:

EATOUGH, STEVEN R. DOC DATE: 09/13/2001

ASSIGNEE:

COMBUSTION RESOURCES, LLC 1453 WEST 820 NORTH PROVO, UTAH 84601

SERIAL NUMBER: 09954603 FILING DATE: 09/17/2001

PATENT NUMBER: ISSUE DATE:

012224/0115 PAGE 2

SHARON LATIMER, EXAMINER ASSIGNMENT DIVISION OFFICE OF PUBLIC RECORDS

10-10-2001

Form P70-1595 : (Rev. 03/01) OMB No. 0651-0027 (exp. 5/31/2002)	U.S. DEPARTMENT OF COMMERCE U.S. Patent and Trademark Office
	68691 V V V s: Please record the attached original documents or copy the reof.
1. Name of conveying party(ies): Craig N. Eatough Jon S. Heaton Steven R. Eatough  Additional name(s) of conveying party(ies) attached?  Yes 1 No	2. Name and address-of receiving party(ies)  Name: Combustion Resources, L.L.C.  Internal Address  OCT - 1 2001
3. Nature of conveyance:	
Assignment	Street Address: 1453 West 820 North
	City: Provo State: UT Zip: 84601
Execution Date: September 13, 2001	Additional name(s) & address(es) attached?
4. Application number(s) or patent number(s):	
If this document is being filed together with a new app  A. Patent Application No.(s)  09/954,603	lication, the execution date of the application is:  B. Patent No.(s)
	itached? ☐ Yes ☒ No
5. Name and address of party to whom correspondence concerning document should be mailed:	
Name: Foster & Foster	7. Total fee (37 CFR 3.41)\$40.00
Internal Address: Mr. Lynn G. Foster	☐ Enclosed  ☐ Authorized to be charged to deposit account
	8. Deposit account number:
Street Address: 602 E. 300 S.	06–1620
City: Salt Lake State: UT Zip: 84102	(Attach duplicate copy of this page if paying by deposit account)
DO NOT USI	THIS SPACE
9. Statement and signature.  To the best of my knowledge and belief, the foregoing is a true copy of the original document.  Lynn G. Foster	<i>^</i>
Name of Person Signing	Monature Date
Mail documents to be recorded with  তেন্দ্ৰভাৱন ক্ষেত্ৰ কৰি কৰি কৰি কৰি কৰি কৰি কৰি কৰি কৰি কৰ	er sheet, attachments, and documents: required cover sheet information to: Trademarks, Box Assignments n, D.C. 20231
£ € 5	•

#### **ASSIGNMENT**

I, Craig N. Eatough of 1711 North 1350 West, Provo, Utah 84604; Jon S. Heaton of 1608 North 1450 West, Provo, Utah 84604 and Steven R. Eatough of 2398 North 850 West, Provo, Utah 84604, have invented a CLEAN PRODUCTION OF COKE hereinafter called the "invention."

Preferred embodiments of said invention are disclosed in a United States Patent Application heretofore executed by me and now identified as File No. 8333 of Lynn G. Foster, Patent Attorney, (U.S. Patent Office Registration No. 21,189), and filed in the United States Patent Office as Serial No. 09/954,603 on September 17, 2001 (I hereby authorize Lynn G. Foster to insert said serial number and filing date when known.)

The Assignee, COMBUSTION RESOURCES, L.L.C., desires to secure the entire right, title, and interest in said invention.

In consideration of \$1.00 and other good and valuable consideration paid to me by the Assignee, the receipt and sufficiency of which I hereby acknowledge, I HEREBY ASSIGN TO THE ASSIGNEE:

The entire right, title, and interest in said invention and in the above-identified United States Patent Application and in all divisions, continuations, and continuations-in-part of said application, or reissues or extensions of Letters Patent or Patents granted thereon, and in all corresponding applications filed in a receiving office of the Patent Cooperative Treaty (PCT) and in regions and countries foreign to the United States, and in all patents issuing thereon in the United States and foreign countries.

The right to file, prosecute, and exclusively own all PCT and foreign patent applications on said invention in its own name, wherever such right may be legally exercised, including the right to claim the benefits of the International Convention and the PCT for such applications and to file, prosecute, and exclusively own all regional applications relating to the invention.

I hereby authorize and request the United States Commissioner of Patents and such Patent Office officials in foreign countries as are duly authorized by their patent laws to issue patents, to issue any and all patents on said invention to the Assignee as the owner of the entire interest, for the sole use and behoof of the said Assignee, its successors, assigns, and legal representatives.

I hereby agree, without further consideration and without expense to me, to sign all lawful papers and to perform all other lawful acts which the Assignee may request of me to make this Assignment fully effective, including, by way of example but not of limitation, the following:

Prompt execution of all original, divisional, substitute, reissue, and other United States, PCT, and foreign patent applications on said invention, and all lawful

documents requested by the Assignee to further the prosecution of any of such patent applications.

Cooperation to the best of my ability in the execution of all lawful documents, the production of evidence, and the giving of testimony in interference, opposition, nullification, reissue, extension, infringement, or like proceedings involving said invention in any country.

This Assignment and agreement shall be binding upon my heirs and legal representatives.

CRAIG N. EATOUGH

STATE OF UTAH

: ss.

COUNTY OF SALT LAKE

On Sept. 13, 2001, before me personally appeared CRAIG N. EATOUGH known to me to be the person described and who signed the annexed Assignment in my presence and acknowledged under oath before me that he has read the same and knows the contents thereof and that he executed the same as his free act and deed and for the purposes set forth therein.

NOTARY PUBLIC

[SEAL]

DORIS FULLMER
Notary Public
State of Utah
My Comm. Expires Nov 13, 2004
00 North Carryon Rd Provo UT 84604

JON S. HEATON

STATE OF UTAH	)
utah	: ss.
COUNTY OF SALT LAKE	)

On \_\_\_\_\_\_\_\_\_, 2001, before me personally appeared Jon S. HEATON known to me to be the person described and who signed the annexed Assignment in my presence and acknowledged under oath before me that he has read the same and knows the contents thereof and that he executed the same as his free act and deed and for the purposes set forth therein.

DOROTHY L. MORTON
STATE OUTAH
SITY PKWY.

6 84058
COMM. EXP. 10-30-2004

NOTARY PUBLIC

[SEAL]

Steven R. Estough STEVEN R. EATOUGH

STATE OF UTAH

: ss.

COUNTY OF SALT LAKE Vian )

On September 2001, before me personally appeared STEVEN R. EATOUGH known to me to be the person described and who signed the annexed Assignment in my presence and acknowledged under oath before me that he has read the same and knows the contents thereof and that he executed the same as his free act and deed and for the purposes set forth therein.

KIMBERLY CALLISTER

Notary Public

State of Utah

My Comm. Expres Dec 21, 2002

1900 N. Caryon Rd Provo UT 84604

Kurisang Cal NOTARY PUBLIC

[SEAL]

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#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Craig N. Eatough, et al.

Docket: 8333

Serial No.:09/954,603

Art Unit: 1764

Filed:

September 17, 2001

Examiner:

Alexa A.

Doroshenk

For:

**CLEAN PRODUCTION OF COKE** 

### **DECLARATION OF L. DOUGLAS SMOOT, PH.D.**

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

- I, L. Douglas Smoot, declare as follows:
- 1. I am a resident of the State of Utah and a citizen of the United States of America.
- 2. I am over 21 years old and competent to testify on matters set forth in this Declaration. I am a minority owner (member) of the assignee of the above-identified patent application.
- 3. I have a Ph.D. degree from the University of Washington in Chemical Engineering.
- 4. I am skilled in the fuels field including the production of coke. My Curriculum Vitae is attached as Exhibit "A."
- 5. I have been provided a copy of the above-identified application as filed, a copy of two Office Actions respectively mailed December 26, 2002

and August 25, 2003, a copy of U.S. Patent 4,352,720, and a copy of two Amendments, one mailed April 17, 2003 and the other to be mailed contemporaneously with this Declaration.

- 6. I was asked to study and analyze the foregoing documents to determine if the above-identified application provides a written description of the invention as presently claimed. More specifically, I was asked if the present application discloses an apparatus and a process which comprises equipment and/or methodology by which the fines being displaced are washed or elutriated. I conclude, as one having skill in this art, that there is no disclosure of washing or elutriating of the fines being displaced using the equipment and methodology disclosed to produce coke. Thus, in my opinion, it is correct to say the limitations of "unwashed" and "non-elutriated" in the claims are properly supported by the present specification because the fines displacement are neither washed nor elutriated.
- 7. The above-identified patent application is directed to a lower cost way of using coal fines, including discarded coal fines, and coke fines, including discarded coke fines, to produce high grade coke.
- 8. The analysis of Weber (U.S. Pat. No. 4,352,720) found at pages 12-15 of the first Amendment is accurate. Weber discloses an expensive rather than a lower cost way of producing coke. Weber requires expensive equipment by which washed and wet coal from bin 2 is elutriated, by a stream of gas emanating at generator 10, up channel 5 and thence along three paths 20, 21, 23 as dried coal to bin 29.

- 9. Weber's requirements of washed and wet coal and elutriation of fines are contrary to and contradict the concept disclosed and the limitations of the presently claimed subject matter of the above-identified patent application. Specifically, the present application does not disclose displacing washed and wet coal, nor is wet coal elutriated to dry the same prior to pyrolization. The technologies of Weber and the present patent application are very different.
- 10. Given that the present disclosure, which clearly avoids both washing to create wet coal fines and drying of wet coal by elutriation in the production of coke, it is appropriate to distinguish the claimed subject matter from Weber by use of the terms "unwashed" and "non-elutriated." The concept of "unwashed" and "non-elutriated" is unquestionably part of the initially disclosed subject matter of the above-identified patent application, is so understood by me, and would be so understood by anyone with skill in the art.
- 11. The drawings of the above-identified application also make it clear that the displacement of fines through the illustrated equipment does not result in washing of displaced fines or in drying of wet fines through elutriation.
- 12. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with

the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

L. Douglas Smo

Date: